

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSE SALINAS FLORES,

Plaintiff,

vs.

D&D FOODS, INC.,

Defendant.

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Case No. 8:12cv110

ORDER

This matter is before the court *sua sponte*, and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, Fed. R. Civ. P.4(m) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on March 19, 2012 (Filing No. 1). The plaintiff was granted leave to proceed *in forma pauperis* (Filing No. 4). The deadline for service of process expired on or about July 19, 2012. There is no evidence in the record the plaintiff has yet served the defendant. The plaintiff has initiated no other action in this matter. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed as against D&D Foods, Inc. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on July 31, 2012**, to file evidence of service or show cause why this case should not be dismissed for failure to prosecute the defendant D&D Foods, Inc.

Dated this 23rd day of July, 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge